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# Public Notice

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**US Army Corps  
of Engineers**  
Louisville District ®

Public Notice No.  
LRL-2016-00006

Expiration Date:  
18 MAR 2022

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Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Kimberly J. Simpson, CELRL-RDN  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

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## **PUBLIC NOTICE ANNOUNCING REGIONAL CONDITIONS AND WATER QUALITY CERTIFICATIONS FOR NATIONWIDE PERMITS**

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published a notice in the *Federal Register* (82 FR 1860) announcing the reissuance of all 50 existing Nationwide Permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, one new general condition, and five new definitions. The NWPs became effective on March 19, 2017, and will expire on March 18, 2022.

On March 17, 2017, the Great Lakes and Ohio River Division (LRD) Engineer approved Regional Conditions for the NWPs in Indiana. These conditions apply to all activities authorized by NWPs. Regional Conditions provide additional protection for the aquatic environment by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. The Regional Conditions for Indiana are attached to this public notice. Additionally, the Louisville District has posted the Regional Conditions for the NWPs on its internet home page at: <http://www.lrl.usace.army.mil/Missions/Regulatory/Obtain-a-Permit/Nationwide/>.

There are eleven suspended or revoked NWPs in the State of Indiana. They are NWPs 13, 14, 18, 29, 36, 39, 40, 41, 42, 43, and 44. The Indiana Department of Environmental Management (IDEM) denied the 401 Water Quality Certification (WQC) for NWPs 8, 16, 17, 20, 23, 31, 32, 34, 35, 38, 48, 53, and 54. An individual 401 WQC from IDEM will be required for any project authorized by one of the NWPs with a 401 WQC denial. IDEM conditioned the 401 WQC for NWPs 3, 7, 12, 15, 25, 27, 37, 46, 51, and 52. An individual 401 WQC will be required by IDEM under certain conditions. The full text of the Water Quality Certifications issued by IDEM is available on the Louisville District web site under the link listed above.

Questions concerning implementation of the new and modified NWPs and conditions or the Corps Regional Conditions should be sent to the Louisville District, Corps of Engineers, ATTN: Ms. Kimberly J. Simpson, CELRL-RDN, P.O. Box 59, Louisville, Kentucky 40201-0059.

**INDIANA REGIONAL GENERAL CONDITIONS FOR  
THE STATE OF INDIANA**

These regional conditions are in addition to but do not supersede the requirements in the Federal Register (Volume 82 No. 4 of January 6, 2017). Information on Pre-Construction Notification (PCN) can be found at NWP General Condition No. 32 (Federal Register, Volume 82, No. 4 of January 6, 2017, pp 2003).

The following Nationwide Permits in the State of Indiana have been suspended:

NWP 13	Bank Stabilization
NWP 14	Linear Transportation Projects
NWP 18	Minor Discharges
NWP 29	Residential Developments
NWP 36	Boat Ramps
NWP 39	Commercial and Institutional Developments
NWP 40	Agricultural Activities
NWP 41	Reshaping Existing Drainage Ditches
NWP 42	Recreational Facilities
NWP 43	Stormwater Management Facilities
NWP 44	Mining Activities

**REGIONAL CONDITIONS:**

1. Nationwide Permit No. 12-Utility Line Activities
  - (a) Notification is required for all substations.
  - (b) Impacted wetlands outside of permanently maintained rights of way shall be restored to the same or more valuable wetland type (e.g. forested wetlands shall be restored to forested wetlands). Within permanently maintained rights of way, impacted wetlands shall be restored, unless otherwise authorized by the Corps.
  - (c) For utility lines placed across the channel of an authorized Federal navigation project, the following conditions apply: 1) the line must be embedded at least 6 feet below the authorized Federal channel depth; 2) existing and proposed elevation information on precise plan and section scale drawings are required; 3) within 60 days after construction, an as-built survey must be provided indicating the points of entry and exit of the installation.
  - (d) Notification is required for all stream crossings.
2. Nationwide Permit No. 33-Temporary Construction, Access, and Dewatering  
Notification in accordance with Nationwide General Condition 32 is required to the

Corps for all activities which are subject to jurisdiction under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

**Regional Conditions Applicable to all NWP's within Indiana:**

1. Excavation/dredging from areas of known or suspected contamination requires:
  - (a) Placement of the material in a Confined Disposal Facility or Class II landfill; or
  - (b) Placement of the material by other Corps' approved method; or
  - (c) Testing to demonstrate that the material is not contaminated. If the material is determined to be contaminated, it must be disposed of in a. or b. above.
2. Notification in accordance with Condition 32 is required to the Corps for all activities affecting Designated Salmonid Waters, Outstanding State Resource Waters, Exceptional Use Streams, and Critical Wetlands and Critical Special Aquatic Sites (See Attachments 1 and 2).
3. Notification in accordance with Condition 32 is required to the Corps for all activities which would cause, alter, or affect diversion of water from the Great Lakes basin.
4. Notification in accordance with Condition 32 is required to the Corps for all activities which are subject to jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
5. All applications are required in a paper copy and an electronic media format, including electronic mail or compact disc.